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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,125	12/29/2000	Luke A. Johnson	INTL-0513-US (P10388)	8725

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EXAMINER

TRAN, KHAI

ART UNIT

PAPER NUMBER

2637

DATE MAILED: 08/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/752,125

**Applicant(s)**

JOHNSON, LUKE A.

**Examiner**

KHAI TRAN

**Art Unit**

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-13,17-19,21-25,29 and 30 is/are rejected.
- 7) ☒ Claim(s) 7,14-16,18,20 and 26-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

Page 8, line 12, the numerical element "205" should be --210--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-9, 10-13, 17-19, 21, 22-25, 29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimura (U.S. Pat. 6,049,903).

Regarding claim 1, Nishimura discloses an apparatus, comprising: a storage device to store data (Figure 3 showing an error correction circuit comprising an erroneous bit detecting circuit 100 for generating an error detect signal); a block to adjust the position of the data in the storage device to account for at least one sampling error (Figures 4 and 5 showing a shift register 400 for shifting the position of the data in the storage device, col. 7, lines 3-39).

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Regarding claim 2, Nishimura discloses the block adjustment receiving a plurality of bits in response to sampling a portion of an incoming data (col. 6, line 65 to col. 7, line 6).

Regarding claim 3, Nishimura discloses a detector for detecting at least one sampling error (an error bit detector 100).

Regarding claim 4, Nishimura also discloses a counter (910) for providing a clock substantially synchronous with the data in response to detecting the at least one sampling error.

Regarding claims 5-6, Nishimura discloses the block comprising a sampling block to sample incoming data using a plurality of sampling clocks to provide a plurality of samples (a transmission rate clock signal and an operation clock signal as shown in Fig. 5 for detecting a bit in error in the received signal, and the selector 700 is supplied with a data output rate clock signal and the transmission clock signal and selecting one of them for entry into the erroneous bit correcting circuit 800; col. 7, lines 40-67).

Regarding claims 8-9, Nishimura discloses that the block does not shift the data in response to detecting duplicate sampling values of incoming data (col. 6, lines 30-48).

Claim 10 is similar to claims 1, 3, 5. Therefore, claim 10 is rejected under similar rationale.

Claims 11-13 are similar to claims 4 and 9. Therefore, claims 11-13 are rejected under a similar rationale.

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Claim 17 is similar to claim 5. Therefore, claim 17 is rejected under similar rationale.

Claim 18 is similar to claims 6. Therefore, claim 18 is rejected under similar rationale.

Claims 19 and 21 are similar to claims 1, 5, 9. Therefore, claim 19 is rejected under a similar rationale.

Claims 22-25 are similar to claims 1, 2, 3. Therefore, claims 22-23 are rejected under similar rationale.

Claims 29-30 are similar to claim 1. Furthermore, Nishimura discloses that the first control unit to transmit data as shown in Figure 5 which shows that the receiver for receiving the received data from the transmitter.

#### ***Allowable Subject Matter***

3. Claims 7, 14-16, 18, 20, 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sugiyama (U.S. Pat. 5,166,686) discloses a variable length block coding with changing characteristics of input samples.


Moon (U.S. Pat. 5,881,114) discloses an error detecting circuit of a system time clock for an MPEG system decoder.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAI TRAN whose telephone number is (703) 305-1876. The examiner can normally be reached on 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAY PATEL can be reached on (703) 308-7728. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KHAI TRAN  
Primary Examiner  
Art Unit 2637

**KT**  
**July 21, 2004**